

APPEAL NO. 040185  
FILED MARCH 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 7, 2004. The hearing officer resolved the disputed issues by deciding that appellant/cross-respondent (claimant herein) injured his back in the course and scope of his employment on \_\_\_\_\_; that respondent/cross-appellant self-insured (carrier herein) is relieved from liability under Section 409.002, because claimant failed to timely notify his employer pursuant to Section 409.001; and that because claimant did not timely notify his employer as required by Section 409.001, the back injury he sustained on \_\_\_\_\_, is not compensable. Claimant appealed the determination that he did not timely notify his employer of the claimed injury on sufficiency grounds. Carrier responded, urging affirmance. Carrier appealed, asserting that the hearing officer's determination that claimant sustained a "compensable injury on \_\_\_\_\_," is wrong as a matter of law. The appeal file does not contain a response from claimant.

DECISION

We affirm.

The hearing officer did not err in determining that claimant failed to timely notify the employer of his work-related injury. Whether claimant gave timely notice or whether there was actual knowledge of the injury were fact questions for the hearing officer to resolve. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations regarding timely notice are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

On appeal, carrier asserts that the hearing officer erred "as a matter of law" in determining that claimant "sustained a compensable injury on \_\_\_\_\_." The hearing officer made no such finding or determination. The hearing officer determined that claimant sustained an injury in the course and scope of employment, but that the injury was not compensable since it was not timely reported. To the extent that carrier appeals the hearing officer's determination that claimant sustained an injury in the course and scope of his employment, that determination involved a question of fact for the hearing officer to resolve. Upon review of the record, we find that the hearing officer's determination that claimant sustained an injury in the course and scope of his employment is supported by sufficient evidence to be affirmed.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**GT  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge